IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.192 OF 2004

Daruwala Service Station ... Petitioners

v/s

M/s Hindustan Petroleum Corporation Ltd. and anr. ... Respondents

Mr J.J. Thakkar for Petitioners.

Mr M.D. Siodia i/b M/s Rustomjee and Ginwala for Respondents.

CORAM : D.K.DESHMUKH J.

DATE : 7TH JUNE 2005

P.C.: -

1. This petition filed under section 34 of the Arbitration and Conciliation Act 1996 challenges the award passed by the Sole Arbitrator appointed pursuant to the order passed in writ petition No.4287 of 2003 filed by the petitioners. By order dated 15th July 2003, the Arbitrator was directed by this Court at the instance of the petitioners to make an award within a period of two weeks from the date of his appointment. As the time limit was got fixed by the petitioners, there was no time for the Arbitrator to summon any witness. When the petitioners got time limit fixed i.e. two weeks, it was obvious that the petitioners were not interested in leading any oral evidence and the dispute was to be decided on the basis of documents produced. Perusal of the award shows that the documents which were on record have been considered by the Arbitrator and the award has been made. The findings recorded by the learned Arbitrator are findings of fact which cannot be disturbed by this Court in its limited jurisdiction under section 34 of the said Act. Petition is rejected. Petitioners are directed to pay cost of this petition to the respondents as incurred by the respondents.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.